

ENVIRONMENTAL PROTECTION COMMISSION  
SPECIAL MEETING/PUBLIC HEARING  
MINUTES  
March 19, 2008

7:30 P.M  
Auditorium Town Hall

Acting Chairman Flaherty called the meeting to order at 7:30 P.M. Commission Members Present: Craig Flaherty, Susan Cameron, Ellen Kirby, Pete Kenyon, Alan Armstrong, and Rick Rohr.

Staff Present: Richard Jacobson

Town Counsel: Ed Schmidt

Court Reporter: Bonnie Syat

Mr. Flaherty read the first agenda item:

Discussion and public comment on the draft: "ENVIRONMENTAL PROTECTION COMMISSION FLOOD AND EROSION REGULATIONS"

Town Counsel Ed Schmidt was present for this public hearing. He described the changes to the regulations that were made after the previous hearing.

Mr. Flaherty asked for public comment.

Barry Grandon, Old Parish Road asked for clarification of the enforcement provisions. Mr. Schmidt referred to section 5.1 giving the Director of Public Works certain authority. He discussed the origin of the Flood & Erosion Control Board and their authority.

Jeff Wood, Crimmins Road asked for clarification of section 2.a and the right of appeal.

Laura Giobbi, Kelsey Street asked how the Commission feels about the regulations. Mr. Flaherty said it was just one piece of the puzzle. Mrs. Giobbi said there is no authority in the regulations. She said construction is devastating to the Town. She suggested working with Stamford and passing ordinances.

Chris Mahr, LaForge Road said he supports the idea of a super majority of the RTM for approval of any assessments. He said the Town needs to control construction.

Ms. Cameron said the Commission will work with Planning & Zoning to help them develop regulations.

ENVIRONMENTAL PROTECTION COMMISSION  
March 19, 2008 MEETING  
MEETING MINUTES  
Page 2 of 4

Andy Millar, LaForge Road said he agreed with Cheryl Russell about not allowing connections to the Town storm sewer. He said he is in favor of section 5.1 giving the Public Works Director the right to enter private property. He said the residents are concerned with section 2.8 and special assessments. He requested an amendment to the draft to require review and approval by elected officials, not appointed officials.

The Commission discussed adding language regarding RTM approval with Mr. Schmidt.

Cheryl Russell, Holly Lane, said that DPW doesn't see all of the building applications. She said there needs to be a better connection between EPC, P&Z and the Building Department. She said there needs to be more oversight. She agreed that Mr. Millar that the RTM should approve any assessment.

Chris Rowland, West Avenue, said enforcement is the key. He said that P&Z has enforcement power. The Town should push the limit of regulating stormwater

Barry Grandon said the Commission should encourage P&Z to adopt regulations and there should also be a legislative fix. Mr. Schmidt said it would be difficult to amend the Flood & Erosion Control Board Statutes. He said it would be better to concentrate on amending the zoning regulations.

There were no further requests from the public to comment.

Mr. Flaherty asked Mr. Schmidt to prepare a final draft for a vote.

Ms. Cameron asked that the record of the previous hearing be included in the record.

Ms. Cameron made a motion to close the public hearing. Mr. Armstrong seconded the motion and it passed 5-0-1 (Mr. Rohr abstained).

Mr. Flaherty read the next agenda item:

EPC-09-2008, Land Trust of Darien, Valley Forge Road, proposing pond dredging and dam repair.

This item was continued to April 2.

Mr. Flaherty read the next agenda item:

EPC-85-2006, John and Tricia Gallagher, requesting an amendment to change a patio location within an upland review area.

Mr. Gallagher represented himself.

ENVIRONMENTAL PROTECTION COMMISSION  
March 19, 2008 MEETING  
MEETING MINUTES  
Page 3 of 4

Mr. Flaherty said the Commission would be reluctant to give more impervious surface. He requested more detailed calculations of the approved versus proposed coverage. The Commission continued the application to April 2.

EPC-18-2003, Michelle Sullivan, 104 Pembroke Road, retaining wall construction, requesting permit time extension to complete construction.

Mr. Flaherty made a motion to grant the time extension. Mr. Armstrong seconded the motion and it passed unanimously.

Mr. Flaherty read the next public hearing item:

EPC-03-2008, James Goulard, Trustee for the Estate of Marion Reed Goulard, 18 Overbrook Lane, proposing a two lot subdivision and related construction activities within an upland review area. This hearing was continued from March 5.

Mr. Flaherty recused himself for this application. Ms. Cameron chaired the meeting.

Attorney Michael Sweeny represented the applicant. He said the property is in an estate and they are proposing to subdivide it into two lots. He said they hired Redniss & Mead as site engineers and Matt Popp as their wetland consultant. They took the recommendations made by Tighe & Bond and have made changes to the plans. Trees to be removed were flagged in the field and an arborist provided a report as requested by the Commission.

Ted Milone, P.E., Redniss and Mead said that for the purposes of stormwater calculations they assumed the site was undeveloped. He said they are reducing flows from the predevelopment levels. There is no work proposed in the flood hazard zone.

Joe Canas, Tighe and Bond said their review letter had mostly minor concerns. The one more significant concern was in regard to the level spreader and the catch basin overflow. He said the applicant has addressed his concerns.

Ms. Cameron asked about a maintenance plan for future homeowners. Mr. Milone said they will prepare one.

Matt Popp, Environmental Land Solutions described the wetland and reviewed the planting plan. Ms. Cameron requested they add two Tupelo trees to the plan.

Mr. Jacobson asked if the applicant was offering a conservation easement. Mr. Sweeny said no.

Ms. Cameron asked for public comment. No one wished to speak.

ENVIRONMENTAL PROTECTION COMMISSION  
March 19, 2008 MEETING  
MEETING MINUTES  
Page 4 of 4

Ms. Kirby made a motion to close the public hearing. Mr. Armstrong seconded the motion and it passed unanimously.

The Commission proceeded to deliberate on the application.

Ms. Cameron said she thought the application was well done. She said there will be no impact to the flood hazard zone. She would like to see a maintenance plan as a condition of approval.

Mr. Rohr said he would like the landscape plan to include a note that any substitutions must be approved by staff. Ms. Cameron asked for a condition to add two Tupelo trees.

Staff was requested to draft an approval.

Ms. Cameron made a motion to adjourn. Mr. Rohr seconded the motion and it passed unanimously. The meeting adjourned at 10:10 p.m.

Respectfully submitted,

Richard B. Jacobson  
Environmental Protection Officer